

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Desmen Pauley

Case No.

Defendant(s)

FILED  
19 JAN 18 AM 1:02  
SHARON L. OVINGTON  
UNITED STATES  
MAGISTRATE JUDGE  
3:19mj-035

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 18, 2019 in the county of Montgomery in the  
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

21 USC s. 841(a)(1)&(B)(1)(A)

possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, Schedule II controlled substance

18 USC s. 1709

theft of mail matter by postal employee

This criminal complaint is based on these facts:

See Attached Affidavit of Brad Dorman

☒ Continued on the attached sheet.

  
Complainant's signature

Brad Dorman, US Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

1-18-19

City and state:

Dayton, Ohio

  
Judge's signature  
Sharon L. Ovington, US Magistrate Judge  
Printed name and title

ATTACHMENT "A"

AFFIDAVIT

I, Brad M. Dorman, Postal Inspector, being duly sworn, do hereby depose and state as follows:

1. I am a United States Postal Inspector, having been so employed since August 2017. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the United States Postal Inspection Service with investigative responsibility for southeast Indiana, and southern Ohio. Your Affiant completed United States Postal Inspection Service Basic Training in August 2017. The training involved narcotic investigation techniques, chemical field tests and training in the detection and identification of controlled substances being transported in the United States Mail. In addition to this formal training, I have worked since August 2017 with various federal, state and local law enforcement agencies in the investigation of the transportation of illegal drugs and their identification.
  
2. I am charged with the duty of enforcing among other Titles, Title 18 and Title 21 of the United States Code, together with other assigned duties as imposed by federal law. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of an arrest warrant against, Desmen Allen PAULEY, for violations of 21 U.S.C. § 841(a)(1) and 841 (b)(1)(A) (possession with intent to distribute 500 grams or more of methamphetamine, a Schedule II controlled substance) and 18 U.S.C. § 1709 (Theft of mail matter by officer or employee). The information contained in this Affidavit is largely based upon an investigation conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause of the above-described violations.

**FACTS**

**FACTS SUPPORTING PROBABLE CAUSE**

1. On or about December 12, 2018, Special Agent Jodie Carr of the United States Postal Service Office of Inspector General was informed by Postal Management that two employees are suspected of stealing Priority Mail Packages. Postal Management found Priority Mail Packages ripped open in a tunnel under the workroom floor of the Dayton Processing and Distribution Center (P&DC) located at 1111 East 5<sup>th</sup> Street, Dayton, Ohio 45401. Postal Management suspected employees Desmen Allen PAULEY and Tyler O ODER of targeting possible narcotic packages, ripping open the packages, and taking the contents off of Postal Property.
2. On or about January 9, 2019, Postal Inspectors Brad Dorman and Joseph Rossiter were notified by Postal Management of Priority Mail Packages that had been found ripped open on the workroom floor of the P&DC. Postal Management was able to show the labels of the packages and all were being mailed from California.
3. On January 11, 2019, Special Agent Jodie Carr conducted surveillance of the parking lot area of the Dayton P&DC. Employees PAULEY and ODER finish there shift at 6:00 am. As both employees were exiting the P&DC, Special Agent Jodie Carr observed PAULEY with a backpack that appeared to be loaded completely full and go to his vehicle. ODER did not have anything in hand and went to his vehicle. ODER then drove his vehicle over to

PAULEY to where both employees got out of their vehicles and exchanged items. Special Agent Jodie Carr was unable to see what items were exchanged. Both employees then left Postal Property.


4. On the morning of January 18, 2019, Special Agents of the USPS Office of Inspector General, Postal Inspectors of the U.S. Postal Inspection Service, and Agents of the Montgomery County Sheriff's Office RANGE Task Force set up surveillance of PAULEY and ODER. PAULEY and ODER were observed on the workroom floor where they left the area several times during their shift (9:30pm to 6:00am). As PAULEY and ODER were ending their shift, ODER was observed grabbing a backpack that appeared to be stuffed full. ODER went to his vehicle where he placed the backpack in the backseat of his vehicle. ODER appeared to be rifling through the backpack and then went back into the P&DC empty-handed. PAULEY and ODER clocked out and both went to ODER's vehicle where they both sat in the front seats. Shortly after, ODER drove PAULEY over to his vehicle in the parking lot. Both then left Postal Property and Agents of the RANGE Task Force conducted moving surveillance. Both subjects went to their homes and were stopped by U.S. Postal Inspectors and RANGE Task Force Agents. RANGE Task Force Canine Handlers performed an open-air sniff of both vehicles with their certified narcotic detection canines. Both Canine Handlers stated their canines did alert to the presence of narcotic odor. PAULEY was found to be in possession of approximately one pound of a green leafy substance suspected to be marijuana. ODER was found to be in possession of approximately nine pounds of a green leafy substance suspected to be marijuana.
5. PAULEY was advised of his Miranda Rights and was asked questions about the incident.




PAULEY admitted he did profile possible narcotic packages that were in the U.S. Mail system and ripped them open. When he would locate marijuana, he would take it. PAULEY stated he and ODER were stealing narcotics from the U.S. Mail for approximately 1 ½ years and took approximately ten pounds of marijuana during this shift. PAULEY stated there was additional marijuana and methamphetamine inside his residence as well as two handguns. ODER was also advised of his Miranda Rights. ODER stated he was working alone and profiling possible narcotic packages. ODER stated he had been doing this since the holidays. ODER then requested an attorney and all questioning stopped.

6. On January 18, 2019, Detective Anthony Hutson of the RANGE Task Force was able to obtain a state search warrant for PAULEY's and ODER's residence. Found inside PAULEY's residence (216 Westdale Ct, Dayton, OH) was approximately 12 pounds of a green leafy substance suspected to be marijuana, approximately one pound of a crystal like substance suspected to be methamphetamine, and two handguns. Found inside ODER's residence was approximately another 15 pounds of a green leafy substance suspected to be marijuana, and approximately \$15,000 in U.S. Currency.

7. Based on the facts set forth in the Affidavit, your Affiant believes that there is probable cause to issue a criminal complaint and arrest warrant against Desmen Allen PAULEY of 21 U.S.C. § 841(a)(1) and 841 (b)(1)(A) (possession with intent to distribute 500 grams or more of methamphetamine, a Schedule II controlled substance) and 18 U.S.C. § 1709 (Theft of mail matter by officer or employee).

  
Brad M. Dorman, Postal Inspector  
United States Postal Inspection Service

Subscribed and sworn to before me on 18<sup>th</sup> January, 2019.

  
Honorable Sharon L. Ovington  
United States Magistrate Judge

